

# Memorandum

To: CHAIR AND COMMISSIONERS

CTC Meeting: May 12-13, 2004

Reference No.: 2.4b.  
Action Item

From: ROBERT L. GARCIA  
Chief Financial Officer

Prepared by: Brice D. Paris  
Division Chief  
Right of Way

Ref: **RESOLUTIONS OF NECESSITY**

## **ISSUE:**

For each of the proposed resolutions, the property owners are not contesting the following findings contained in Section 1245.230 of the Code of Civil Procedure:

1. The public interest and necessity require the project.
2. The project is planned to provide the greatest public good with the least private injury.
3. This property is required for the proposed project.
4. An offer to purchase the property in compliance with Government Code Section 7267.2 has been made to the owner of record.

The only remaining issues with the property owners are related to compensation.

## **RECOMMENDATION:**

The Department of Transportation (Department) recommends the California Transportation Commission adopt Resolutions of Necessity C-18907 through C-18912 and C-18914 through C-18915. Discussions have taken place with the owners, each of whom has been offered the full amount of the Department's appraisal and, where applicable, advised of any relocation assistance benefits to which the owners may subsequently be entitled. Adoption of the resolutions will not interrupt our efforts to secure equitable settlement. In accordance with statutory requirements, each owner has been advised the Department is requesting the resolution at this time. Adoption will assist the Department in the continuation of the orderly sequence of events required to meet construction schedules.

C-18907 - Ronald D. Hintz, Trustee, et al.

01-DN-199-KP 20.68-Parcel 11301-1, 2 - EA: 384709 - Certification Date: 11/07/01 - (Conventional highway - widen box culvert). Authorizes condemnation of two temporary easements for highway construction. Located near the unincorporated area of Gasquet at 2.9KM north of Hardscrabble Creek Bridge.

C-18908 - Carla Jo Osgood, et al.

06-Ker-14-KP 33.42-Parcel 85238 - EA: 408409 - Certification Date: 07/01/05 - RTL Date: 07/01/05 - (Expressway - convert to a four-lane expressway). Authorizes condemnation of land in fee for a State highway and extinguishment of abutter's rights of access. Located in the unincorporated area of Kern County near California City, CA.

C-18909 - Gene Himmelstein, et al.

06-Ker-14-KP 34.92-Parcel 85075 - EA: 408409 - Certification Date: 07/01/05 - RTL Date: 07/01/05 - (Expressway - convert to a four-lane expressway). Authorizes condemnation of land in fee for a State highway and extinguishment of abutter's rights of access. Located in the unincorporated area of Kern County, near California City, CA.

C-18910 - Gene Himmelstein, et al.

06-Ker-14-KP R34.62-Parcel 85119 and 85119-A - EA: 408409 - Certification Date: 07/01/05 - RTL Date: 07/01/05 - (Expressway - convert to a four-lane expressway). Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, and underlying fee in existing public roadway. Located in the unincorporated area of Kern County, near California City, CA.

C-18911 - Thomas L. Gerosin and Betty F. Gerosin, Trustees

06-Ker-14-KP 36.24-Parcel 85124 - EA: 408409 - Certification Date: 07/01/05 - RTL Date: 07/01/05 - (Expressway - convert to four lane expressway). Authorizes condemnation of land in fee for a State highway and extinguishment of abutter's rights of access. Located near the unincorporated area of Kern County, near California City, CA.

C-18912 - Alvin C. Voges, Trustee

06-Ker-14-KP R36.42-Parcel 85089 - EA: 408409 - Certification Date: 07/01/05 - RTL Date: 07/01/05 - (Expressway - convert to a four-lane expressway). Authorizes condemnation of land in fee for a State highway and extinguishment of abutter's rights of access. Located near the unincorporated area of Kern County near California City, CA.

~~C-18913 - Newhall Land and Farming Company~~ - Pulled. Contract signed.

C-18914 - BBC Properties, a California General Partnership

08-SBd-210-KP 31.52 R - KP 31.70 R-Parcels 18138-1 and 18289-1 - EA: 443919 - Certification Date: 06/30/03 - RTL Date: 08/04/03 - (Freeway - construction of the Riverside Avenue interchange). Amends Resolution No. C-18814, adopted June 26, 2003, which authorized condemnation of land in fee for a State highway and extinguishment of abutter's rights of access. Located in the city of Rialto at 2400 West Highland Avenue. This Amendment will include specific statutory authority 1240.610 Code of Civil Procedure, that condemnation of property currently dedicated for public use will not be compatible with the Department's use.

C-18915 - Tadasu Fukushima, et ux

10-SJ-99-KP 31.0/37.4-Parcel 15208-1, -2 - EA: 455609 - Certification Date: 06/29/04 - RTL Date: 09/29/04 - (Freeway - conventional highway). Authorizes condemnation of land in fee for a State highway and a permanent easement for public utility easement. Located near the city of Stockton at 4230 East Hammer Lane.